IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

Anascape, Ltd., Plaintiff, v. Microsoft Corp., and Nintendo of America, Inc., Defendants.	Civil Action No. 9:06-cv-158-RC JURY TRIAL REQUESTED

ANASCAPE, LTD.'S FIRST AMENDED REPLY TO
MICROSOFT CORPORATION'S COUNTERCLAIMS

Plaintiff Anascape, Ltd. ("Anascape") files this Reply to Defendant Microsoft Corporation's ("Microsoft") Second Amended Counterclaims, filed December 6, 2006, and states as follows:

RESPONSE TO COUNT I

1. Anascape admits that Microsoft purports to allege a counterclaim arising under 28 U.S.C. §§ 1338, 2201, and 2202 and 35 U.S.C. Anascape denies that Microsoft is entitled to any declaratory relief.

2. Anascape admits the allegations of this paragraph.

3. Anascape admits the allegations of this paragraph.

4. Anascape admits the allegations of this paragraph.

5. Anascape admits the allegations of this paragraph.

6. Anascape admits that it commenced a civil action for infringement of the '084, '802, '886, '271, '525, '991, '791, '997, '205, '303, '415, and '700 patents and admits that there

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is an actual controversy between Anascape and Microsoft with respect to Microsoft's infringement of the '084, '802, '886, '271, '525, '991, '791,'997, '205, '303, '415, and '700 patents. Anascape denies the remaining allegations of this paragraph.

7. Anascape denies the allegations of this paragraph.

8. Anascape admits that Microsoft has sold at least two models of controllers for use with its original Xbox video game system. Anascape admits that photographs of two controllers are attached to Microsoft's First Amended Counterclaims as Exhibit A. Anascape admits that Microsoft refers to these two controllers as "Microsoft's Xbox Controllers." Because Microsoft has not yet provided any discovery regarding its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations of this paragraph and, therefore, denies the same.

9. Anascape admits that Microsoft has sold at least two models of controllers for use with its Xbox 360 video game system. Anascape admits that photographs of two controllers are attached to Microsoft's First Amended Counterclaims as Exhibit B. Anascape admits that Microsoft refers to these two controllers as "Microsoft's Xbox 360 Controllers." Because Microsoft has not yet provided any discovery regarding its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations of this paragraph and, therefore, denies the same.

10. Anascape denies the allegations of this paragraph.

11. Because Microsoft has not yet provided any discovery regarding the operation of its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the allegations of this paragraph and, therefore, denies the same.

12. Because Microsoft has not yet provided any discovery regarding the operation of its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the allegations of this paragraph and, therefore, denies the same.

13. Because Microsoft has not yet provided any discovery regarding the operation of its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the allegations of this paragraph and, therefore, denies the same.

14. Because Microsoft has not yet provided any discovery regarding the operation of its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the allegations of this paragraph and, therefore, denies the same.

15. Because Microsoft has not yet provided any discovery regarding the operation of its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the allegations of this paragraph and, therefore, denies the same.

16. Anascape denies the allegations of this paragraph.

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18. Because Microsoft has not yet provided any discovery regarding the operation of its products, Anascape is without information or knowledge sufficient to form a belief as to the truth of the allegations of this paragraph and, therefore, denies the same.

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427. Anascape denies the allegations of this paragraph.

RESPONSE TO COUNT II

428. Anascape incorporates by reference its responses to paragraphs 1-5, as if fully restated herein. Anascape denies the remaining allegations of this paragraph.

429. Anascape admits that it commenced a civil action for infringement of the ’084, ’802, ’886, ’271, ’991, ’791,’997, ’205, ’303, ’415, and ’700 patents and admits that there is an actual controversy between Anascape and Microsoft with respect to Microsoft’s infringement of the ’084, ’802, ’886, ’271, ’991, ’791,’997, ’205, ’303, ’415, and ’700 patents. Anascape denies the remaining allegations of this paragraph.

430. Anascape denies the allegations of this paragraph.

431. Anascape denies the allegations of this paragraph.

RESPONSE TO COUNT III

432. Anascape incorporates by reference its responses to paragraphs 1-5, as if fully restated herein. Anascape denies the remaining allegations of this paragraph.

433. Anascape admits that it commenced a civil action for infringement of the ’084, ’802, ’886, ’271, ’991, ’791,’997, ’205, ’303, ’415, and ’700 patents and admits that there is an actual controversy between Anascape and Microsoft with respect to Microsoft’s infringement of the ’084, ’802, ’886, ’271, ’991, ’791,’997, ’205, ’303, ’415, and ’700 patents. Anascape denies the remaining allegations of this paragraph.

434. Anascape denies the allegations of this paragraph.

435. Anascape admits that U.S. Patent Application No. 09/715,532 was filed on November 16, 2000 with claims 1-38 and issued as U.S. Patent No. 6,906,700. Anascape admits that Brad A. Armstrong is named as the inventor of U.S. Patent No. 6,906,700. Anascape admits

that Mr. Armstrong participated in the prosecution of U.S. Patent No. 6,906,700. Anascape denies the remaining allegations of this paragraph.

436. Anascape admits that Mr. Armstrong was aware of one or more video game controllers after U.S. Patent Application No. 09/715,532 was filed. Anascape denies the remaining allegations of this paragraph.

437. Anascape admits that Mr. Armstrong filed a Preliminary Amendment with the Patent & Trademark Office dated July 15, 2002, in which he cancelled original claims 1-38 and added new claims 39-77 to the application. Anascape denies the remaining allegations of this paragraph.

438. Anascape admits that the new claims 39-77 have a claim scope that covers one or more video game controllers. Anascape denies the remaining allegations of this paragraph.

439. Anascape denies the allegations of this paragraph.

440. Anascape admits the allegations of this paragraph.

441. Anascape denies the allegations of this paragraph.

442. Anascape admits that section 112 of Title 35 of the United States Code states, in part, that:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Anascape admits that section 2163.06 of the Manual of Patent Examining Procedure states, in part, that:

> If new matter is added to the claims, the examiner should reject the claims under 35 U.S.C. 112, first paragraph - written description requirement. *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981).

Anascape denies the remaining allegations of this paragraph.

443. Anascape denies the allegations of this paragraph.

444. Anascape denies the allegations of this paragraph.

Anascape denies each and every allegation contained in Microsoft's Counterclaims that is not expressly admitted herein. Anascape denies that Microsoft is entitled to the relief requested or any other relief.

PRAYER FOR RELIEF

Anascape prays for the following relief:

A. The dismissal of Microsoft's Counterclaims for declaratory relief;

B. Judgment declaring that Microsoft infringes the '084, '802, '886, '271, '991, '791,'997, '205, '303, '415, and '700 patents;

C. Judgment declaring that the '084, '802, '886, '271, '991, '791,'997, '205, '303, '415, and '700 patents are valid and enforceable;

D. An award of Anascape's attorneys' fees and costs, together with pre-judgment and post-judgment interest in the maximum amount provided by law; and

E. Such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Anascape hereby demands a jury trial on all issues appropriately triable by a jury.

DATED: December 14, 2006.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter
Sam Baxter
Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
P.O. Box O
505 E. Travis, Suite 105
Marshall, Texas 75670
Telephone: (903) 927-2111
Facsimile: (903) 927-2622

Theodore Stevenson, III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Luke F. McLeroy
Texas State Bar No. 24041455
lmcleroy@mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Robert M. Parker
Texas State Bar No. 15498000
rmparker@pbatyler.com
Robert Christopher Bunt
Texas State Bar No. 00787165
rcbunt@pbatyler.com
Charles Ainsworth
Texas State Bar No. 00783521
charley@pbatyler.com
Parker, Bunt & Ainsworth P.C.
100 E. Ferguson Street, Suite 1114
Tyler, Texas 75702
Telephone: (903) 531-3535
Telecopier: (903) 533-9687

ATTORNEYS FOR PLAINTIFF ANASCAPE, LTD.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on counsel of record via ECF or U.S. Mail on this 14th day of December, 2006.

/s/ Luke F. McLeroy

Luke F. McLeroy